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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,286	05/08/2001	Ashley Anderson Brock	RSW920010092US1	3438
7590	05/03/2005		EXAMINER	
JACK FRIEDMAN SCHMEISER, OLSEN AND WATTS 3 LEAR JET LANE SUITE 201 LATHAM, NY 12110		PERUNGAVOOR, VENKATANARAY		
		ART UNIT		PAPER NUMBER
		2132		
DATE MAILED: 05/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/851,286	BROCK ET AL.
	Examiner Venkatanarayanan Perungavoor	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4, 9 and 13-29 is/are pending in the application.
 - 4a) Of the above claim(s) 5-8, 10-12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 9 and 13-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 8, filed 3/1/2005, with respect to Claim 3, 4, 7, 8, 11,12 have been fully considered and are persuasive. The 35 USC § 112 of Claim 3, 4 has been withdrawn. And as Claim 7,8,11,12 the claims have been canceled and so rejection is moot.
2. Applicant's arguments regarding Claim 1-4, 9 and 17 are not persuasive as Hodges does teach of waiting for an next update time at which one validity condition is checked see Par 0012 & Par 0014 & Par 0132. And further is responsive to the occurrence of a business rule see Par 0015 & Abstract; also Hodges discloses of adding to the intrusion set and checking to see if it is new by comparing the rule with the cache and further retrieving from Directory see Par 0220 & Par 0221. Hodges talks of monitoring for an event(waiting for an event) and in addition he says that it could be any suitable event(includes time) see Par 0013-0015.
3. Applicant's arguments with respect to Claim 13 are not persuasive as Touboul does suggest the altering of signature as Downloadables are stamped with an signature and further different downloads having different signature see Col 1 Line 52-64.

4. Applicant's arguments with respect to Claim 14-16 are persuasive. But are rendered moot, Hodges does indeed mention altering of threshold, weight and action see Par 0107. Hodges mention editing of permission and attributes and further discloses the adding of rules and roles see Par 0107 & Par 0131.

5. Applicant's arguments with respect to Claim 18, 19 is persuasive. But are rendered moot, Hodges does indeed mention the update time occurring substantially periodically and occurring at computed times see Par 0132.

6. Applicant's arguments with respect to Claim 20 and 21 is persuasive. But are rendered moot, Hodges does indeed mentions the rule being one or more than one see Par. 0131 Line 8-9.

Response to Amendments

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1-4,9, 14-25, 27-29 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No.2002/0112185 A1 to Hodges.

9. Regarding Claim 1, Hodges discloses the awaiting an occurrence of next update time when the rule is checked see Par 0012-0015; responsive to the occurrence of update time and further checking to see if it is a newly operative rule and altering the business rules see Abstract & Par 0220 & Par 0221.

10. Regarding Claim 2, Hodges discloses temporal validity condition see par 0132 Line 1-14.

11. Regarding Claim 3, Hodges discloses network validity condition see Par 0008 Line 1-7.

12. Regarding Claim 4, Hodges discloses multiple temporal specification and multiple network specification see Par 0008 & Par 0132.

13. Regarding Claim 9, Hodges discloses the awaiting an occurrence of update time When the rule is checked see Par 0012-0015; responsive to the occurrence of update time and further checking to see if it is a newly operative rule and altering the business rules see Abstract & Par 0220 & Par 0221.

14. Regarding Claim 14, 15, and 16, Hodges discloses altering of threshold, weight and action see Par 0107. Hodges mention editing of permission and attributes and further discloses the adding of rules and roles see Par 0107 & Par 0131.

15. Regarding Claim 17,18, and 19, Hodges discloses the update time occurring substantially periodically, occurring at computed times and at scheduled times see Par 0132.

16. Regarding Claim 20 and 21, Hodges does indeed mentions the rule being one or more than one see Par. 0131.

17. Regarding Claim 22, Hodges discloses the protected network comprising of a computer, a server, a workstation, and a combinations see Par 0015.

18. Regarding Claim 23, 24, and 25, Hodges discloses the update time occurring substantially periodically, occurring at computed times and at scheduled times see Par 0132.

19. Regarding Claim 27, 28, and 29, Hodges discloses altering of threshold, weight and action see Par 0107. Hodges mention editing of permission and attributes and further discloses the adding of rules and roles see Par 0107 & Par 0131.

Claim Rejections – 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 13, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges (U.S. Publication No. 2002/01 12185 A1) in view of U.S. Patent No. 6167520 to Touboul

22. Regarding Claim 13, Hodges does not disclose the step of altering a signature of the intrusion set. However, Touboul does suggest the altering of signature as Downloadables are stamped with an signature and further different downloads having different signature see Col 1 Line 52-64. It would be obvious to one having ordinary skill in the art at the time of the invention to include a step of altering an signature of the intrusion set in order for protecting data from hostile agents see Column 1 Line 62-63.

23. Regarding Claim 26, Hodges does not disclose the step of altering a signature of the intrusion set. However, Touboul does suggest the altering of signature as

Downloadables are stamped with an signature and further different downloads having different signature see Col 1 Line 52-64. It would be obvious to one having ordinary skill in the art at the time of the invention to include a step of altering an signature of the intrusion set in order for protecting data from hostile agents see Column 1 Line 62-63.

Conclusion

24. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

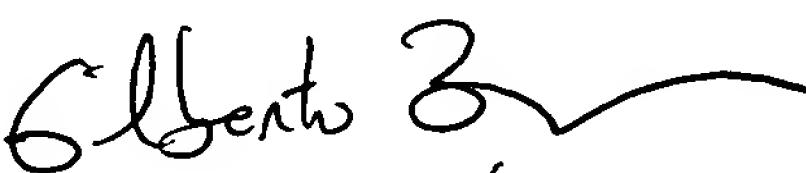
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

VP
4/22/2005


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